G R S App F IX 4] 1948-49 File No 86-48

Previous References (nil) Serial Nos 9, 10

Later References P 151

GENERAL AND REVENUE SECRETARIAT

Serial Nos Two

Part B for [illegible]

SUBJECT

Introduction of market byelaws in Hoskote town municipality

L 1684-82 by 17th Aug
to
The Dy C'r.
Examine
for
Approval of the byelaws

[redacted] ...ye-laws in the Hoskote ...municipality.

Continuation Sheet | File No / Current No 260/121 of 911/mj Page.

From the D C Bangalore District
20. M6-1195-2/45-46 dated 7-8-47
Requests sanction for the above

1) The Hoskote Town municipal council have proposed at their meeting held on 20-9-45 to bring into force the Market bye-laws in the municipal area

2. On issuance of the Proposal notification was taken on 20-9-45 by the local bodies to publish on notification calling for objections if any, from the tax payers of the town two objections are reported to have been received in this behalf to bringing into force the Proposed Market bye-laws

3. The municipal council have therefore resolved at their meeting held on 21-1-46 that they should request Govt to accord sanction to their proposal

4. In the above circumstances the D.C. requested sanction of Govt to ~~accord to~~ bring the market bye-laws into force in the municipality of the municipality

5. The above bye-laws may perhaps be forwarded to the Legal Branch for opinion regarding the validity of the bye-laws to be adopted in the municipality

6. A copy of the bye-laws in force in the B'lore city municipality for reference is

7) Requested opinion as to the validity of the bye-laws

[illegible]

Legislative Secy for 1948.

LEGISLATION BRANCH
Received
Date
CLN & REV SECR TARIAT

WD 01370—GPB—500 pads of 100 sheets each—12 2 46

Market Bye-laws of Kolkata from Municipality

Continuation Sheet File No Current No 1(1)X of Pag

8) The draft Bye-Laws have been scrutinised. The preamble has been revised and verbal alterations have been made in Bye-laws 1 to 7

Flag I

9) Bye-law No 31 prescribes penalty for an infringement of the Byelaws and contains provision for imposing a fine of Rs 25 per day for a continuing offence Section 488(1)(aa) of the Town Municipalities Act vests power in a Municipal Council to impose a fine not exceeding Rs 500 for the infringement of any of the Bye-Laws and contains no provision for imposing penalty for a continuing offence. Hence this Bye-Law exceeds the power vested in a municipal council under section 488(1)(aa)

10) Items I and II in the Schedule of Rates (appended to the draft Bye-Laws) are not in order, Taxes on shops and rates of octroi have been mixed up and one uniform rate has been fixed for the several articles

11) The maximum rates

WD 01570—GPB—500 pads of 100 sheets each—12 2 16

Market Bye-Laws of the Town Municipality

Continuation Sheet | File No. / Current No | of | Page

of octroi for the several articles permissible under the Act are contained in Schedule II of the Act Different rates have been prescribes for different articles and the basis for calculation of the rates is also different. For instance the rate for dry cocoanuts is annas per maund of 960 tolas, for sheep and goats at the rate of 2 annas per head, and for piecegoods and other textile fabrics at the rate of 3 pies per rupee advalorem (2) Item (1) includes several articles such as blankets, dry-cocoanuts tobacco rice, dhall etc and a rate of two annas has been fixed for each The rates for each of these articles has to be fixed up in accordance with the maximum rates prescribed in Schedule II of the Act and according to the standard of measurement specified therein And the rate of tax on shops and stalls has to be determined at a different basis Attention is invited to the similar Bye-Laws of the Bangalore city Municipality which provides for the levy of octroi duty and rent on shops and stalls Items (1) and (2) may perhaps be rev

WD 015270—(PB—500 pads of 100 sheets each—12 2 46

Market Bye-laws of Hoskote Town Municipal

Continuation Sheet | File No / Current No 260/M of 6111/M | Page

to be recast on similar lines and this has to be decided by the administrative sections

13) The Bye-laws are returned in order

DN 4 11 47 BVN 4/11

14) It is not permissable to have a bylaw levying a fine for a Continuing offence under the Town Municipalities Act

15) The Schedule has also to be incorporated as suggested in the Note and rent for stalls separate from rates &c. for the latter have to follow the Schedule of the Town Municipalities Act whereas the bylaws jumble up different items indiscriminately & appears the file with be returned to the addressee with these remarks to make the necessary Correction as to Cause them to be effected

DS 4 11 47

Law Secy)

Asst Secy Legislative

8K 5/11 DS 5 11 47

16) Off Cetter to the D/C is one. It is put up

Rep 10/11 | WS Pr 10/11

17) Issue

15/11/47

TYPING SECTION 17 NOV 1947

D 21 1947

Issue M AS 21/11/47

III/mk 1,7232/mk

To

The Dc - Bangalore Dt
No L 10998 Dt 20 11 47.
Calls for certain facts

Secl A-21-11-47
Rr

From

The Dy-Commr Bangalore Dt
No M 6-1195/45-46 Dt 25 5 48

Returning the amended Toy-laws

1) The Hoskote Town Municipal Council at its meeting held on 18 12-47 has resolved to amend cl 31 of the Toy-laws so as to enhance the provision ~~for~~ for the levy of fines for a Continuing offence.

2) As regards revision of the rates in the Schedule suggested by this Govt vide its letter cited, it is to be seen that the levy proposed is "Market fee" for which no maximum limit is fixed in the Schedule and not "octroi" as had been stated in para 1 supra

3) The Toy laws may perhaps again be referred to the Legis Branch for opinion

911/me U7a32/me

Introduction of market Bye-laws and Stockde
Municipality —
as to their Regulation.

Mar 4/6 Pr 5-6-48 21) A draft for amending the bye-laws in the post-war area may be sent to the Legal Remembrancer before the matter is finally settled

7/6/48

22) Draft G.O. Sanctioning the setup as per order Mar 11/6/48 Pr 12-6-48 23) for appl. in consultation with the Legal Remembrancer, Law Deptt new secy

14 6 48

(Revn. Secy, W/C)

15/6

15 6

22.

7570
15 JUN 1948
176
CF YSCRE
JUN 1946

Draft Bye laws of Hoskote Municipality

C F 74]

Routine Notes 260/M 911/L

[To be used only for notes, requisitions, etc , not intended for permanent record]

2c) This file was received without the correspondence and without being tied up in a file board

2d) If approved, the administrative Secty will be requested to put up all the connected papers

21/1/68

2b) only the papers attached were received in this Branch

Mrs 17/1/68

Asst Secy

Sec'y

2a) The correspondence found in Section with one of the L B Branch files as agreed and put up

2c) Note A above

Asst Leg Adviser (Legislative Branch)

5/1/68

Sec'y

Asst Leg Adviser

5/1/68

Sec'y

N B—Should routine notes be written on small slips the notes must be copied on slips pasted on this form

Draft Bye Laws of Hoskote Town Municipality

O F 74]

WD 0978—GI B—100 pads of 10 000 sheets each—2d 10 42

Routine Notes

[To be used only for notes, requisitions, etc , not intended for permanent record]

30) A reference is invited to paras 9 to 15 of the note supra Legal opinion has been furnished in respect of the following two matters:

1 Deletion of words relating to continuing offence in bye law 31

2 proper arrangement of rates in items 1 and 2 of the Schedule

31) It is seen from the note of the administrative Secty at paras 18 and 19 that modification in respect of bye law 31 only has been accepted This is however a matter entirely for the decision of the administrative Section

32) The draft G O referred to in para 21 of the note supra does not require scrutiny as there is no legal point for decision

NB—Should routine notes be written on small slips the notes must be copied or slips pasted on this form

There are ~~many~~ ~~Etc~~ spelling mistakes in the schedule I

28 JUL 1948

Draft Market Byelaws of I... Town Municipality

C F 74]

7232/mk,

Routine Notes

[To be used only for notes requisitions, etc , not intended for permanent record]

1139/48

OFFICE OF THE MINISTER FOR LOCAL SELF GOVERNMENT
No 547/ES
Date

4) The Spelling mistakes in the Schedule have been corrected

35) Dft-Go Sanctioning for Consideration

Mae 31/7 P 31/7

May be apps new rates 21/8/48

Minister Ag 2 agree L S 8 8/8 31/8 21/8/48

8/8/48

10/8

Secretary

To, The D C Bangalore
The Comptroller to Govt
G O No L/1681-2/Mis 8b 48-10 17 8 48
Approves the bye laws

B 7/8/48

N.L.—Should routine notes be written on small slips the notes must be copied or slips pasted on this form

O F 74]

WD 0973—GPB—100 pads of 10 000 sheets each—23 10 42

Routine Notes

[To be used only for notes, requisitions, etc , not intended for permanent record]

N B —Should routine notes be written on small slips, the notes must be copied or slips pasted on this form

G R.S Ann. F.VI—G.2]

OFFICE OF THE DEPUTY COMMISSIONER
BANGALORE DISTRICT
Dated, Bangalore, the 8th August 1947

M6 1195-2/45-46

To

Syed Abdul Aleem, Esq., B A ,
Secretary to the Government,
Revenue Department,
Bangalore

Sir,

Sub: Introduction of Market Bye laws in Hoskote town Municipality

With reference to your letter No. L.1573 dated 25-7-47, I have the honour to forwerd herewith report No. HC 23(a) 46-47 dated 24-3-46 received from the President, Town Municipal council Hoskote on the above subject and to state that the municipal council have proposed at their meeting held on 20-9-45 to bring into force the Market bye laws in the municipal area In pursuance of the proposal action was taken on 29-9-45 by the local council to publish an istiher calling for objections if any, from the tax payers of the town No objections are reported to have been received in this behalf for bringing into force the proposed market bye laws

The Municipal council have therefore resolved at their meeting held on 21-1-46 that they should request Government to accord sanction to their proposals

In the above circumstances I request that sanction of Government may kindly be accorded to the proposal of the municipality in bringing the market bye laws into force in the jurisdiction of the municipality The connected papers accompany

I have the honor to be, Sir,
Your most obedient servant,

for DEPUTY COMMISSIONER
BANGALORE DISTRICT

If you want volume notes be written on small slips,
the notes must be copied or slips pasted on this form

[redacted] Ann. F VI—G 21

No. L

L 10998/R

20/11/47

To

The Dy Commr Bangalore Dt

—

Subject Introduction of market bye laws in Hosakote Town municipality

—

Sir

With Reference to your letter No M 6-1195/45-46 dt 7 & 47 on the above subject I am directed to state that bye-law no 31, in addition to the penalty prescribed for any infringement of the bye-laws, provides for imposing a fine of Rs 25/ per day for a continuing offence which is contrary to the provisions of Sec 48 (a) of the M T M A 1933 Also the Schedule of Rates appended to the bye-laws does not seem to be

Secretariat for ... Govt

Recommended

Rs 12-6-48 17/6/48

In order that several articles to be taxed are jumbled up indiscriminately under a uniform rate of duty the different items should be separately stated with the maximum prescribed in Schedule II to the Act. The Rules for taxation should be separated from the rate of duty which each item is subject to.

I am therefore to request that the draft rules may be modified in the light of the above observations.

The Records accompany. I have the honour to be Sir Your most obedient servant

10/11/47

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1 This would routine notes be written on small slips,
2 notes must be copied or slips pasted on this form

G R S App F VI—G 2]

SUBJECT

M6-1195-2-/45-46.
Enc

Office of the Deputy Commissioner,
Bangalore district,
Bangalore, dated 25th May 1948.

Syed Abdul Aleem, Esq , B.A ,
Secretary to Government of Mysore,
Revenue Department,
BANGALORE

Subject - Introduction of Market Bye-Laws in Hoskote Town Municipality

With reference to your letter No L 10998/R dated 20-11-1947 on the above subject, returning the records and the Bye-law, for incorporating certain modifications as pointed out in your letter, I have the honour to enclose herein the report No.H C 11 (8)/47-48 dated 11-4-1948 together with the Bye-Laws after making the necessary modifications.

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Bangalore district

G R S App F VI—G 2]

SUBJECT

Diary No of letter replied to 7232/ml

General and Revenue Secretariat

( )

the *194*

Date of issue 17.8.48 194

Signed by Sri [illegible]

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette Kannada Part ?

To

1) The D e, Bldrs Sh GR

2) The Comptroller to Govt

3 copies

Section ML

File No 86-48

Serial No 10

Proceedings of the Government of His Highness the Maharaja of Mysore

Read— Correspondence ending with the letter No. M 6-1195/45-46 dated 25 5 48 from the D e Bangalore, Dft forwarding under sec 48 (1) (a) & (b) of the M T & A Act for sanction, draft Market Bye-laws framed by the Hoskote Town Municipal Council, the necessary previous Order thereon—No

On this behalf having been duly observed by the Municipal Council

Order No L 1681-2 17.8.48

The bye laws are approved as appended hereto

The bye-laws may be sent printed and five copies being sent to the Municipal Branch of the Secretariat for reference

By Order

List of Enclosures

Copied by

Examined by

WD 087—GPB—40 000—14 11 40

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

READ -

Correspondence ending with letter No M6-1195/45-46 dated 25th May 1948 from the Deputy Commissioner, Bangalore District, forwarding for sanction under Section 48(1)(a)&(b) of the Mysore Town Municipalities Act, 1933, draft Market bye-laws framed by the Hoskote Town Municipal Council, the necessary formalities in this behalf having been duly observed by the Municipal Council.

ORDER NO L.1681-2/Mrk. 86-48-10

Dated, Bangalore, the 17.8.48

The byelaws are approved as appended hereto

The byelaws may be got printed and five copies thereof sent to the Municipal Branch of the Secretariat for reference and records

for Revenue Secretary to Government

To

The Deputy Commissioner, Bangalore District, with records
" Comptroller to Government

O/C